

To: Diamond, Jane[Diamond.Jane@epa.gov]; Kemmerer, John[KEMMERER.JOHN@EPA.GOV]
From: Vendlinski, Tim
Sent: Thur 4/2/2015 5:51:13 PM
Subject: FW: Short Notes from Today's Federal "BDCP" Coordination Call

From: Hagler, Tom
Sent: Thursday, April 02, 2015 9:59 AM
To: Vendlinski, Tim; Gorke, Roger; Foresman, Erin; Ziegler, Sam
Cc: Skophammer, Stephanie
Subject: Short Notes from Today's Federal "BDCP" Coordination Call

Today was pretty substantive, so I am sending a very short set of highlights. Stephanie, if I miss something important, let me know.

(1) BDCP

- a. The state and federal leads are still trying to decide on what the public announcement on the "Change in Direction" will say. The current predicted time frame is "Some time this month (April)."
- b. The federal agencies are hoping to get some direction on what an NOI would say. It would not be rescoping, but would apparently clarify the change in the lead agencies.
- c. Long discussion from the Corps on a series of talks with DWR. Corps rep noted that there seems to be a high level DWR misimpression that the Corps can simply write a quick permit. Corps rep also noted that the real time sink will be the RHA "408" process, and that, contrary to some reports we have heard, there has been no agreement from the Corps to separate the 404 and 408 processes. Corps rep noted the difficulty of expediting this project when there is no application and no project description.
- d. Nevertheless, the BOR reps said the Admin Draft Revised DEIS has been received from the consultants and will be distributed to the federal lead and cooperating agencies today or tomorrow. Note again, that EPA is being asked to look at these documents at the same time as the federal leads, so there is no "ownership" of this material by the federal leads at this time.

(2) Drought response – Barriers Project

(a) Corps rep said DWR was going to get an application from DWR today for the Barriers project, and will do a Public Notice. At this point, the Corps is treating this as a regular permit application, not as an emergency permit application. Corps noted that DWR wants permit by next Wednesday (April 8th) so that DWR can do its contracting process for construction, but that this was not terribly realistic given the absence of any submission.

(b) FWS and NMFS are working with DWR to identify how to do a Section 7 consultation on this barriers project. Same issue of DWR wanting permit next week and Services saying that is unrealistic and would lead to indefensible permit. Not to mention that the barriers may have adverse impacts on listed species.

I think that is enough. Stephanie?

Tom Hagler

Assistant Regional Counsel

U.S. Environmental Protection Agency

Region 9

75 Hawthorne Street, RC-2

San Francisco, California 94105-3901

Phone (415)972-3945

Email: hagler.tom@epa.gov